



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Avi Ashkenazi, et al.

Application Serial No. 09/904,766

Filed: July 12, 2001

For: **PRO269 POLYPEPTIDES**

) Examiner: Kemmerer, Elizabeth

) Art Unit: 1646

) Confirmation No. 4054

) Attorney's Docket No. 39780-1618P1C33

) Customer No. 35489

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**DATE MAILED: March 30, 2006**

**SUPPLEMENTAL RESPONSE TO NON-FINAL OFFICE ACTION**

**MAIL STOP**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

On January 13, 2005, the Examiner made a final rejection to pending Claims 44-46 and 49-52. A Notice of Appeal was filed on June 13, 2005, and Applicants' Appeal Brief was filed September 13, 2005. An Examiner's Answer was mailed on November 15, 2005. In response, on January 17, 2006 Applicants filed a Reply Brief and a Petition for Designation as New Grounds of Rejection Under 37 C.F.R. §1.181. The Decision on the Petition, mailed January 30, 2006, granted Applicants' request to designate the rejections in the Examiner's Answer as new grounds of rejection. The Decision also granted Applicants' request to have the finality of the application withdrawn, and prosecution reopened, and stated that Applicants' Reply Brief would be treated as a response to a non-Final Office Action. Applicants were granted two months from the mailing date of the Decision on Petition to submit additional exhibits or affidavits necessary in order to rebut the new grounds of rejection presented in the Examiner's Answer.

Accordingly, Applicants submit herewith a Supplemental Response to Non-Final Office Action in order to provide the additional evidence. This Supplemental Response is timely filed within the two-month period for response set by the Decision on Petition.

Remarks begin on page 3.